

REFERENCE TITLE: underground facility marking; technical correction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 222

Introduced by
Representative Nelson

AN ACT

AMENDING SECTION 40-360.25, ARIZONA REVISED STATUTES; RELATING TO UNDERGROUND FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 40-360.25, Arizona Revised Statutes, is amended to
3 read:

4 40-360.25. Injunction; mandamus

5 If any person is engaging in excavation in a negligent or unsafe manner
6 which has resulted in or is likely to result in damage to an underground
7 facility or if any person is proposing to use procedures for excavation which
8 are likely to result in damage to an underground facility, the owner of such
9 facility may commence an action in the superior court in the county in which
10 the excavation is occurring or is to occur, or in which the person complained
11 of has its principal place of business or resides, for the purpose of having
12 such negligent or unsafe excavation stopped and prevented, either by mandamus
13 or injunction. Such persons as the court may deem necessary or proper may be
14 joined as parties. The final judgment in any such action or proceeding shall
15 either dismiss the action or direct that the writ of mandamus or injunction
16 issue or be made permanent as prayed for in the complaint. If the court
17 finds that the person complained of has repeatedly engaged in negligent or
18 unsafe excavation resulting in damage to underground facilities after ~~the~~
19 ~~effective date of this article~~ AUGUST 8, 1973, the court shall issue such
20 order and take such equitable action as shall be reasonable and appropriate
21 to prevent continuance by such person of such negligent or unsafe operations.